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REMARKS

The Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks.

35 U.S.C. §102(e) Rejection - Shirasaki

The Examiner has rejected claims 78 and 80 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,593,034 issued to Shirasaki (hereinafter referred to as "Shirasaki"). The Applicants respectfully submit that the present claims are allowable over Shirasaki.

Claim 78 recites a method comprising "*adding a first gas to an enclosure having a second gas through one or more slits aligned with a length of a side of the enclosure to distribute a flow of the first gas over the length of the side of the enclosure, the first gas having a different composition than the second gas, the enclosure being between a mask protective device, a patterned mask, and walls connecting the mask protective device with the patterned mask; and removing at least a portion of the second gas from the enclosure through one or more outlet ports*". Shirasaki does not teach or suggest these limitations.

Shirasaki discusses that the frame has at least two gas passage openings. See e.g., column 3, lines 43-47. However, Shirasaki does not teach or suggest that these openings are slits. Rather, Example 1 discloses that they are circular holes. Furthermore, Shirasaki does not teach or suggest that the holes be aligned with a length of a side of the enclosure to distribute a flow of the first gas over the length of the side of the enclosure.

Anticipation under 35 U.S.C. Section 102 requires every element of the claimed invention be identically shown in a single prior art reference. The Federal Circuit has
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indicated that the standard for measuring lack of novelty by anticipation is strict identity. “*For a prior art reference to anticipate in terms of 35 U.S.C. Section 102, every element of the claimed invention must be identically shown in a single reference.*” In Re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

For at least one or more of these reasons, independent claim 78 and its dependent claims are believed to be allowable over Shirasaki.

35 U.S.C. §103(a) Rejection – Shirasaki and Shirakawa

The Examiner has rejected claims 51-52, 64-66, 69-72 and 79 under 35 U.S.C. §103(a) as being unpatentable over Shirasaki in view of U.S. Patent No. 6,380,518 issued to Shirakawa et al. (hereinafter “Shirakawa”). The Applicants respectfully submit that the present claims are allowable over Shirasaki and Shirakawa.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant’s disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claim 51 recites a method comprising “*adding a first gas to an enclosure having a second gas through an inlet port having a plurality of discrete openings arranged to distribute a flow of the first gas over a length of a side of the enclosure, the first gas having a different composition than the second gas, the enclosure being between a mask*

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protective device, a patterned mask, and walls connecting the mask protective device with the patterned mask; and removing at least a portion of the second gas from the enclosure through one or more outlet ports".

The Examiner has admitted that Shirasaki does not expressly disclose the inlet port having the plurality of discrete openings. See e.g., the bottom of page 4 of the present office action. However, the Examiner has asserted "it would have been obvious to a skilled artisan to utilize "an inlet port having a plurality of discrete openings" or "at least five openings" as taught by Shirakawa on a same side of the enclosure as Shirasaki for adding the first gas into the enclosure. The at least purpose of doing so would have been to quickly supply the gas to the enclosure and to equalize pressure of the supplied gas across the pellicle whereby the distortion of the pellicle can be prevented".

Applicants respectfully submit that there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine and modify the reference teachings as proposed by the Examiner. The Examiner has asserted that the motivation to include the plurality of gas blow out ports of Shirakawa in Shirasaki is to quickly supply the gas to the enclosure and to equalize pressure of the supplied gas across the pellicle whereby the distortion of the pellicle can be prevented. However, Applicants respectfully submit that neither reference teaches or suggests that doing so would equalize pressure of the supplied gas across the pellicle whereby the distortion of the pellicle can be prevented. Furthermore, as understood by Applicants, neither reference teaches or suggests that doing so would help to quickly supply the gas to the enclosure.

Rather, as understood by Applicants, Shirakawa discusses including the plurality of gas blow-out ports in the upper space above a hot plate in a chamber, for supplying a gas along the substrate so as to cover the substrate placed on the hot plate. Since there is

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no substrate in the enclosure between the claimed pellicle and reticle, there would be no reason to include the plurality of gas blow-out ports of Shirakawa into the enclosure of Shirasaki. Applicants remind the Examiner that the teaching or suggestion to make the claimed combination must be found in the prior art, and not based on Applicant's disclosure.

For at least one or more of these reasons, independent claim 51 and its dependent claims are believed to be allowable over Shirasaki and Shirakawa. Independent claim 69 and its dependent claims are believed to be allowable for one or more similar reasons.

35 U.S.C. §103(a) Rejection – Shirasaki, Shirakawa and Ivaldi

The Examiner has rejected claims 54-55, 73 and 77 under 35 U.S.C. §103(a) as being unpatentable over Shirasaki in view Shirakawa and further in view of U.S. Patent No. 6,507,390 issued to Ivaldi (hereinafter "Ivaldi"). The Applicants respectfully submit that the present claims are allowable over Shirasaki, Shirakawa, and Ivaldi.

Shirasaki and Shirakawa do not teach or suggest the limitations of the independent claims. The discussion above is pertinent to this point. Ivaldi does not remedy what is missing from Shirasaki and Shirakawa. At this time, Applicants do not address other aspects of this rejection and do not admit the appropriateness of combining these references.

For at least one or more of these reasons, the independent claims and their respective dependent claims are believed to be allowable over Shirasaki, Shirakawa and Ivaldi.

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The Examiner has rejected claim 67 under 35 U.S.C. §103(a) as being unpatentable over Shirasaki in view Shirakawa and further in view of U.S. Patent No. 5,735,961 issued to Shimada (hereinafter “Shimada”). The Applicants respectfully submit that the present claims are allowable over Shirasaki, Shirakawa, and Shimada.

Shirasaki and Shirakawa do not teach or suggest the limitations of the independent claims. The discussion above is pertinent to this point. Shimada does not remedy what is missing from Shirasaki and Shirakawa. At this time, Applicants do not address other aspects of this rejection and do not admit the appropriateness of combining these references.

For at least one or more of these reasons, the independent claims and their respective dependent claims are believed to be allowable over Shirasaki, Shirakawa and Shimada.

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Conclusion

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance. Applicants respectfully request that the rejections be withdrawn and the claims be allowed at the earliest possible date.

Request For Telephone Interview

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

Request For An Extension Of Time

The Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

Charge Our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 7/5/06

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